

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File Number EB-02-DL-681
)	
Joe E. Ramsey and John Ramsey)	NAL/Acct. No.200332500004
d.b.a. Ramsey & Ramsey)	
Owner of Unregistered Antenna Structure)	FRN 0008-0976-10
Idabel, Oklahoma)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: February 18, 2003

By the Enforcement Bureau, Dallas Office:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find Joe E. Ramsey and John Ramsey d.b.a. Ramsey & Ramsey (“Ramsey”), owner of an unregistered antenna supporting structure, Idabel, Oklahoma, apparently liable for a forfeiture in the amount of three thousand dollars (\$3,000) for willful and repeated violation of Section 17.4(a) of the Commission's Rules (“Rules”).¹ Specifically, we find Joe E. Ramsey and John Ramsey d.b.a. Ramsey & Ramsey apparently liable for failing to register its antenna structure as required.

II. BACKGROUND

2. On November 4, 2002, an agent from the Commission’s Dallas Field Office inspected Ramsey’s 300 foot antenna structure located at Ramsey Implements, Inc., Highway 70 E, Idabel, Oklahoma, at or near geographical coordinates 33° 54’ 33” North Latitude by 094° 46’ 56” West Longitude. This antenna supporting structure is not registered with the FCC.

3. On December 16, 2002, the agent spoke with Joe. E. Ramsey of Ramsey. Mr. Ramsey stated that Ramsey moved the tower to its current location in 1978. Mr. Ramsey acknowledged ownership of the structure and stated they would register the structure. As of January 30, 2003, the antenna structure remained unregistered with the Commission.

III. DISCUSSION

4. Section 17.4(a) requires the owner of an antenna structure that requires notice to the Federal Aviation Administration (“FAA”) to register the antenna structure with the Commission. Ramsey’s antenna structure requires notification to the FAA, and therefore Commission registration, because its height exceeds

¹ 47 C.F.R. § 17.4(a).

200 feet.² For at least one year up through January 30, 2003, Ramsey failed to register its antenna supporting structure with the Commission.

5. Based on the evidence before us, we find Ramsey willfully³ and repeatedly⁴ violated Section 17.4(a) of the Rules by failing to register its antenna supporting structure.

6. Pursuant to Section 1.80(b)(4) of the Rules,⁵ the base forfeiture amount for the violation cited in this Notice is \$3,000 for failure to file required forms or information (i.e. failure to file an application for antenna structure registration). In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Communications Act of 1934, as amended ("Act"), which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.⁶ Considering the entire record and applying the factors listed above, this case warrants a \$3,000 forfeiture.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,⁷ and Sections 0.111, 0.311 and 1.80 of the Rules,⁸ Joe E. Ramsey and John Ramsey d.b.a. Ramsey & Ramsey is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of three thousand dollars (\$3,000) for willful and repeated violation of Section 17.4(a) of the Rules by failing to register its antenna supporting structure.

8. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this NAL, Joe E. Ramsey and John Ramsey d.b.a. Ramsey & Ramsey SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

9. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. and FRN referenced above. Requests for payment of the full amount of this NAL

² See 47 C.F.R. § 17.7(a).

³ Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that "[t]he term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act" See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

⁴ The term "repeated," when used with reference to the commission or omission of any act, "means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2).

⁵ 47 C.F.R. § 1.80(b)(4).

⁶ 47 U.S.C. § 503(b)(2)(D).

⁷ 47 U.S.C. § 503(b).

⁸ 47 C.F.R. §§ 0.111, 0.311, 1.80.

under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁹

10. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12th Street SW, Washington DC 20554, Attn: Enforcement Bureau-Technical & Public Safety Division and MUST INCLUDE THE NAL/Acct. No. referenced above.

11. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

12. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If you qualify as a small entity and if you wish to be treated as a small entity for tracking purposes, please so certify to us within thirty (30) days of this NAL, either in your response to the NAL or in a separate filing to be sent to the Technical & Public Safety Division. Your certification should indicate whether you, including your parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC’s Office of Communications Business Opportunities (OCBO) set forth in Attachment A of this Notice of Apparent Liability. This information will be used for tracking purposes only. Your response or failure to respond to this question will have no effect on your rights and responsibilities pursuant to Section 503(b) of the Communications Act. If you have questions regarding any of the information contained in Attachment A, please contact OCBO at (202) 418-0990.

13. IT IS FURTHER ORDERED THAT a copy of this NAL shall be sent by regular mail and Certified Mail Return Receipt Requested to Joe E. Ramsey and John Ramsey d.b.a. Ramsey & Ramsey, RT. 3 Box 116, Idabel, Oklahoma 74745.

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
Dallas Office, Enforcement Bureau

Attachment

⁹ See 47 C.F.R. § 1.1914.